

ATTACHMENT 1

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COLORADO RIVER BASIN REGION

RESOLUTION NO. R7-2010-0034

Amendment to the Water Quality Control Plan for the Colorado River Basin
Region to Correct or Update Language, Tables, and Figures

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Water Board), finds that:

1. An updated Water Quality Control Plan for the Colorado River Basin (Basin Plan) was adopted by the Regional Water Board on November 17, 1993, approved by the State Water Resources Control Board (State Water Board) on February 17, 1994, and approved by the Office of Administrative Law on August 3, 1994.
2. The Basin Plan identifies the Region's ground and surface waters, designates beneficial uses for those waters, specifies water quality objectives for the protection of those uses, prescribes implementation plans, and establishes monitoring and surveillance programs to assess implementation efforts.
3. The Basin Plan may be amended in accordance with California Water Code Section 13240 et seq. The Basin Plan has been updated to include amendments adopted by the Regional Water Board through June 2006.
4. An amendment to the Basin Plan is needed to revise/update Chapters 1, 3, 4, and 5 to make the Basin Plan consistent with new information and laws/regulations passed after 1994 when the Basin Plan was first adopted, and to correct typographical errors and clarify ambiguous language.
5. The proposed amendment addresses Issue No. 9 (*Correct Errors and Outdated Information, and Include Referenced Policies*) set forth in the 2007 Triennial Review Workplan, which was adopted by the Regional Water Board on March 19, 2008, as part of the 2007 Basin Plan Triennial Review (Resolution No. R7-2008-0013).
6. The proposed amendment is consistent with the State's antidegradation policy, State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, and with the federal antidegradation policy in the Code of Federal Regulations, Title 40 Section 131.12.

7. The proposed action meets the “Necessity” standard of the California Administrative Procedure Act, Government Code, Section 11353, subdivision (b)(2)(C).
8. The proposed amendment will have no effect, individually or cumulatively, on wildlife resources.
9. The proposed amendment does not revise or adopt water quality objectives, and therefore, the Regional Water Board is not required to consider the factors set forth in Water Code Section 13241.
10. The corrections/updates proposed in this amendment do not contain scientific elements requiring an independent, external scientific peer review pursuant to Health and Safety Code Section 57004.
11. The Regional Water Board held a Public Hearing on November 18, 2010, in La Brea, California, to consider adoption of the proposed amendment. The Regional Water Board considered all evidence provided by Regional Water Board staff and the public.
12. Based on the draft Basin Plan amendment, the accompanying substitute environmental documents, public comments received and Regional Water Board’s responses to those comments, the Regional Water Board concurs with staff’s conclusion that the proposed amendment does not have any significant or potentially significant effects on the environment since the amendment merely updates the Basin Plan to make it current, and therefore, no alternatives or mitigation measures were needed to be proposed to avoid or reduce any significant effects on the environment.

NOW, THEREFORE, BE IT RESOLVED THAT,

1. In fulfillment of the requirements of the federal Clean Water Act and the California Water Code, the Regional Water Board hereby approves the staff report, and adopts the proposed amendment to the Water Quality Control Plan for the Colorado River Basin Region, as set forth in Attachment 2.
2. The Executive Officer is hereby authorized to request a “No Effect Determination” from the California Department of Fish and Game, or to pay the applicable filing fee for Certified Regulatory Programs to the Department of Fish and Game required pursuant to Fish and Game Code Section 711.4(d)(4), and California Code of Regulations, Title 14, Section 753.5(a)(6).

3. The substitute environmental documents prepared pursuant to Public Resources Code Section 21080.5 are hereby certified, and the Executive Officer is directed to file a Notice of Decision with the California Secretary for Natural Resources after Office of Administrative Law approval of the Basin Plan amendment, in accordance with Public Resources Code Section 21080.5(d)(2)(E), and the California Code of Regulations, Title 23, Section 3781, and after having received a "No Effect Determination" from the California Department of Fish and Game or paid the applicable filing fee for Certified Regulatory Programs.
4. The Executive Officer is hereby directed to submit this amendment to the State Water Board in accordance with Water Code Section 13245. The Regional Water Board requests that the State Water Board approve the Basin Plan amendment and forward it to the Office of Administrative Law for approval.
5. If, during the approval process, the State Water Board or Office of Administrative Law determines that minor, non-substantive corrections to the language of this amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Regional Water Board of any such changes.

I, Robert Perdue, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region on November 18, 2010.

ROBERT PERDUE
Executive Officer